

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

GABRIEL GIGENA,

Plaintiff,

v.

RENEE C. DAY, et al.,

Defendants.

No. 2:23-cv-01660 DJC CKD (PS)

ORDER

Plaintiff is proceeding in this action pro se. Plaintiff has requested authority pursuant to 28 U.S.C. § 1915 to proceed in forma pauperis. This proceeding was referred to this court by Local Rule 302(c)(21).

Plaintiff has submitted the affidavit required by § 1915(a) showing that plaintiff is unable to prepay fees and costs or give security for them. Accordingly, the request to proceed in forma pauperis will be granted. 28 U.S.C. § 1915(a).

The federal in forma pauperis statute authorizes federal courts to dismiss a case if the action is legally “frivolous or malicious,” fails to state a claim upon which relief may be granted, or seeks monetary relief from a defendant who is immune from such relief. 28 U.S.C. § 1915(e)(2).

Here, plaintiff’s brief and conclusory allegations do not state a federal claim against any defendant. See ECF No. 1 at 3-4. The federal courts are courts of limited jurisdiction. In the

1 absence of a basis for federal jurisdiction, plaintiff's claims cannot proceed in this venue.

2 Because there is no basis for federal subject matter jurisdiction evident in the complaint, plaintiff
3 will be ordered to show cause why this action should not be dismissed. Failure to allege a proper
4 basis for subject matter jurisdiction will result in a recommendation that the action be dismissed.

5 Accordingly, IT IS HEREBY ORDERED that:

6 1. Plaintiff's request to proceed in forma pauperis (ECF No. 2) is granted;

7 2. No later than September 8, 2023, plaintiff shall show cause why this action should not
8 be dismissed for lack of subject matter jurisdiction.

9 Dated: August 21, 2023



CAROLYN K. DELANEY
UNITED STATES MAGISTRATE JUDGE

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